

Town of Middletown Zoning Board Minutes

August 25, 2015

Called to order at

Administrative: Chairman Tom Silveira, Vice Chair Jim Miller, Secretary Stephen MacGillivray, Olin Gambrell, Henry Pine (First Alternate); Chris Sousa (Second alternate); John Peixheino - absent (Third Alternate).

Adoption of Minutes: June 23, 2015 and July 28, 2015 meetings.

Olin Gambrell moves to adopt both meeting minutes and Jim Miller seconds. The minutes are approved 5-0.

Continuances/Withdrawals:

Petition of: Cumberland Farms, Inc. & VSH Realty Inc. & John J. Moitoza Revocable Trust (owners) First Hartford Realty Corporation (applicant)- by their attorney Robert M Silva, Esq.- for a Variance from Sections 603, 701 & Article 13- to allow the expansion and renovation of the existing convenience store and gasoline dispensing facility with a south side yard setback of 4.9' where 20' is required; a front yard setback of 8.3' where 10' is required; a rear yard setback of 25.8' where 50' is required; 8 parking spaces where 14 parking spaces are required, and from the landscaping requirements set forth in the Middletown Planning Board's Rules and Regulations regarding the Subdivision and Development of Land, pursuant to plans filed herewith and prepared by Vanasse, Hangen, Brustlin, Inc. Said real

estate located at 94 and 106 Aquidneck Ave and further identified as Lot 132, 133 & 134 on Tax Assessor's Plat 115SE. Attorney Robert Silva asks for continuance due to CRMC approvals that are needed. The matter is continued until October 27, 2015.

Petition of: Cumberland Farms, Inc. & VSH Realty Inc. & John J. Moitoza Revocable Trust (owners) First Hartford Realty Corporation (applicant)- by their attorney Robert M Silva, Esq.- for a Special Use Permit from Sections 602 and Article 11- to allow the expansion and renovation of the existing convenience store and gasoline dispensing facility as presently located in a Traffic Sensitive Limited Business Zone (LBA) and in Zone 1 of the Watershed Protection District (WPD). Said real estate located at 94 and 106 Aquidneck Ave and further identified as Lot 132, 133 & 134 on Tax Assessor's Plat 115SE. Attorney Robert Silva asks for continuance due to CRMC approvals that are needed. The matter is continued until October 27, 2015.

Petition of: Mello Realty, Inc. (owner) New Cingular Wireless PCS, LLC by AT&T Mobility Corp. (applicant) c/o their attorney Edward D. Pare, Jr., Esq. and Co-Counsel Robert M. Silva, Esq.- for a Special Use Permit from Sections 602, 902(A) Article 25 Sections 2501(C) & 2502(A) and to the extent required, all rights reserved, any other required relief, pursuant to RIGL, Title 45, Ch. 45-24 as well as the Federal Telecommunications Act of 1996. To allow the construction of a Wireless Communication Services Facility consisting of a 125' monopole tower with an enclosed equipment shelter. Said real estate

located at Coddington Highway and further identified as Lot 103 on Tax Assessor's Plat 103. Attorney Robert Silva asks for continuance due to continued Planning Board review and necessity of crane demonstration. The matter is continued until October 27, 2015.

Petition of: Mello Realty, Inc. (owner) New Cingular Wireless PCS, LLC by AT&T Mobility Corp. (applicant) c/o their attorney Edward D. Pare, Jr., Esq. and Co-Counsel Robert M. Silva, Esq.- for a Variance from Sections 2504(B), 2504(G) & 2504(I)(1) and to the extent required, all rights reserved, any other required relief, pursuant to RIGL, Title 45, Ch. 45-24 as well as the Federal

Telecommunications Act of 1996 including, to the extent required all rights reserved, a Federal Preemptive Variance. To allow the construction of a Wireless Communication Services Facility consisting of a 125' monopole tower with a rear yard setback 93' and a side yard setback of 105' where 157' is required and closer than the required 10' from the compound fencing. Also to allow the equipment shelter with a height of 10.5' where 8' is allowed. Said real estate located at Coddington Highway and further identified as Lot 103 on Tax Assessor's Plat 103. Attorney Robert Silva asks for continuance due to continued Planning Board review and necessity of crane demonstration. The matter is continued until October 27, 2015.

Petition of: Smudge Co., LLC- by their attorney Brian Bardorf- for a Variance from Sections 1301(B), 1302 & 1304- to allow an off-site

parking lot with 13 spaces where 17 are required and a 10.5' wide landscaped buffer along the westerly property line where 20' is required. Said real estate located at 5 Hart St and further identified as Lot 87 on Tax Assessor's Plat 107SW. Mr. Kane represents that there is a letter in the file from Brian Bardorf requesting a continuance due to witnesses not being available. Accordingly the matter is continued until September 22, 2015.

Petition of: Aquidneck Avenue Equities, LLC- for a Variance from Section 1304- to allow 298 parking spaces where 198 spaces are permitted. Said real estate located at 850 Aquidneck Ave and further identified as Lot 92C on Tax Assessor's Plat 114. Stephen MacGillivray moves to refer the matter to refer to Planning Board and Jim Miller seconds. The motion is approved 5-0 and, accordingly, the petition is continued until September 22, 2015.

Summary Cases:

Petition of: Renee D Kaminitz- for a Variance from Sections 603, 701- to construct a two car garage attached with right side yard setback of 20' where 30' is required. Said real estate located at 336 Compton View Drive and further identified as Lot 854 on Tax Assessor's Plat 120. Jim Miller moves for approval and Stephen MacGillivray seconds the motion. The matter is approved 5-0.

Full Hearings:

Petition of: D'Angelo Inc. c/o their attorney Vernon L. Gorton, Esq.- for a Special Use Permit from Sections 717 & 1200- to allow a drive up teller area and also to allow 2 additional building mounted signs for the proposed 2,500 sq. ft. TD Bank facility. Said real estate located at 553 West Main Rd and further identified as Lot 59 on Tax Assessor's Plat 107SE. Attorney Robert Silva has entered his appearance due to the passing of Vernon L. Gorton. Josh Swerling, PE is sworn in. Olin Gambrell moves to accept the petition together with the recommendations of the Planning Board and Stephen MacGillivray seconds. The petition is granted 5-0.

Petition of: D'Angelo Inc. c/o their attorney Vernon L. Gorton, Esq.- for a Variance from Section 1301B- to allow a 10' landscaped buffer where 20' is required for the off street parking facility for the proposed 2,500 sq. ft. TD Bank facility. Said real estate located at 553 West Main Rd and further identified as Lot 59 on Tax Assessor's Plat 107SE. Stephen MacGillivray moves for approval and Jim Miller seconds. The application is approved 5-0.

Meeting is adjourned at 8:53 PM.